IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 801 OF 2005
IN
SUMMARY SUIT NO. 692 OF 2003

Goldstar Electronics Pvt.Ltd. ... Plaintiff.

V/s.

Philips India Ltd. ... Defendant.

Mr.Shailesh Khatri i/b. Bankim Desai & Co.
for the plaintiff.

Mr.Doijode i/b. Doijode Associates
for the defendants.

CORAM : A.M.KHANVILKAR, J.

DATED : 5th September, 2005.

P.C. :

. Heard counsel for the parties.

2. Counsel for the plaintiff was resisting this chamber summons on the argument that the plaintiff has already preferred appeal against the order passed by the single Judge on summons for judgment which is pending and filing of written statement will cause prejudice to the claim in that appeal.

3. I see no propriety in this submission. If this argument is to be accepted, it will follow that no written statement can be filed by the defendant till such appeal is disposed of, which cannot be consistent with the statutory requirement of filing

written statement within specified time. In my opinion, there is no anomaly in filing written statement even if the appeal is preferred by the plaintiff as stated. The delay in filing written statement is only of 9 days. In my opinion, sufficient cause has been made out.

4. Accordingly chamber summons is made absolute in terms of prayer clauses (a) on condition that the applicant/defendant shall file written statement within one week from today.

5. Chamber summons stands disposed of in terms of the above order with no order as to costs.

(A.M.KHANWILKAR, J.)